

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

06/11/2002

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2002-000115

FILED: _____

STATE OF ARIZONA

KENNETH M FLINT

v.

BALA D RAMAN

BALA D RAMAN
2659 W GUADALUPE RD STE D201
MESA AZ 85202-0000

REMAND DESK CR-CCC
SCOTTSDALE CITY COURT

MINUTE ENTRY

SCOTTSDALE CITY COURT

Cit. No. #R0112102

Charge: A. PHOTO RADAR SPENDING 10-15

DOB: 06/18/52

DOC: 04/05/01

This Court has jurisdiction of this appeal by the State of Arizona pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

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This matter has been under advisement since without oral argument and this Court has considered and reviewed the record and file of the proceedings from the Scottsdale City Court, and the Memoranda submitted.

The only issue raised by Appellant concerns the trial court's denial of her Motion to Set Aside Default Judgment and Order. Appellant, Bala Raman, was accused of Speeding, a civil traffic violation, in violation of A.R.S. Section 28-701(A) alleged to have occurred on April 5, 2001. It appears from the citation that Appellant was accused as the result of the operation of a photo radar unit. There is an affidavit that Appellant was personally served a copy of the citation and complaint on June 13, 2001 at 9:21 p.m. at 2659 W. Guadalupe Rd., D-201, Mesa, Arizona. When Appellant failed to appear at the time scheduled to appear in court, a default judgment was entered against him on November 21, 2001. On November 28, 2001 Appellant filed a Motion to Set Aside Default Judgment and Order claiming "never received notice in my mail." The trial judge heard oral argument on Appellant's motion and denied the motion January 21, 2002 finding "service of process proper."

It appears from the trial court's file that there is substantial evidence available from which the trial judge could conclude that service of process had been accomplished correctly in Appellant's case.

IT IS THEREFORE ORDERED affirming the trial judge's order denying Appellant's Motion to Set Aside Judgment Entry of Default.

IT IS FURTHER ORDERED affirming the default judgment entered in this case.

IT IS FURTHER ORDERED remanding this case back to the Scottsdale City Court for all further and future proceedings in this case.